

MINUTES OF THE MEETING
OF THE
BOARD OF MEDICINE AND SURGERY

April 7, 2006

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Michael Sitorius at 9:00 a.m. on Friday, April 7, 2006, at Staybridge Suites, Staybridge Room, 2701 Fletcher Ave, Lincoln, Nebraska. The following members answered to roll call:

Michael A. Sitorius, MD, Chairman
David A. Dryburgh, Vice-Chairman
Carl V. Smith, MD, Secretary
Larry E. Bragg, MD
Samuel L. Brown, PhD
Randy T. Kohl, MD
Vonn E. Roberts, MD

Absent: Arthur A. Weaver, DO

A quorum was present and the meeting convened.

Also present to participate in the meeting: Terri Nutzman, Assistant Attorney General; Susanne Rydberg, Investigator; Patricia Lemke, Investigator; Becky Wisell, Section Administrator, Credentialing Division; Vicki Bumgarner, Credentialing Coordinator; Credentialing Division; Meegan Dyrland, Credentialing Specialist, Credentialing Division.

ADOPTION OF AGENDA

Kohl moved, seconded by Dryburgh, to adopt the agenda. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

APPROVAL OF MINUTES OF THE MEETING FROM FEBRUARY 24, 2006

Smith moved, seconded by Brown, to approve the minutes of the February 24, 2006 meeting. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

UNIFORM LICENSING LAW REWRITE AND PRACTICE ACT CHANGES

Because legislation will not be introduced until 2007, Wisell wanted to take some time to look at the Practice Act closer to discuss any other possible changes. Regarding the licensing examination section, instead of stating that the applicant shall pass with a score of 75 or above, it should be changed to more general language: the passing rate is determined by the examining organization. This is because not all of the licensing entities use 75 as the passing score.

Loretta Bennett, Investigator, entered at 9:04 a.m.

Larry Wiehn, Investigator, entered at 9:07 a.m.

Ruth Schuldt, Compliance Monitor, Credentialing Division, entered at 9:08 a.m.

The Board looked at the three different instances a Temporary Educational Permit could be issued and clarified the third which is for a refresher course. Also under the Temporary Educational or visiting faculty permit section of the Practice Act, the prescribing medicine and narcotics should be changed to "medicine and controlled substances". The Board would like this change to be made throughout the Practice Act.

Sharon Fitts, Investigator, entered at 9:16 a.m.

Marletta Stark, Investigator, entered at 9:22 a.m.

The Board stated they want the language referencing abortion under unprofessional conduct removed. They feel this type of language doesn't belong in the Practice Act and they oppose singling out specific events as unprofessional conduct.

INVESTIGATIONAL REPORTS

Kohl moved, seconded by Smith, to go into closed session for the purpose of hearing investigational reports. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried and the meeting went into closed session at 9:30 a.m.

Jeff Newman, Investigator, entered at 9:42 a.m.

Schuldt left the meeting at 10:02 a.m.

Sitorius recused himself at 10:50 a.m.

Sitorius returned to the meeting at 11:01 a.m.

Kohl recused himself at 11:22 a.m.

Kohl returned to the meeting at 11:26 a.m.

Bragg recused himself at 11:30 a.m.

Bragg returned to the meeting at 11:34 a.m.

The meeting returned to open session at 11:41 a.m.

Dr. Joseph Scott, former Board member, and his wife Louise Scott entered at 11:45 a.m.

MEDICAL APPLICATION REVIEW & DISPOSITION

Initial Licensure

Craig L. Lastine, MD- Smith moved, seconded by Kohl, to approve issuance of a license to Lastine. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

Cody S. Harlan, MD- Bragg moved, seconded by Kohl, to approve issuance of a license to Harlan. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

Rodolfo C. Nellas, MD- Smith moved, seconded by Kohl, to deny a license to Nellas. The denial is based on: Florida requirements were not deemed comparable to Nebraska's because he took over four attempts to pass a licensing exam and therefore he would need an extra year of post graduate medical education which he does not have; failure to cooperate with an investigation and dishonorable conduct. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

Fred P. Shu, MD- Kohl moved, seconded by Dryburgh to approve issuance of a license to Shu pending the completion of his application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

Rahul N. Julka, MD- Smith moved, seconded by Dryburgh to approve issuance of a license to Julka. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

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Sara B. Hernberg- Bragg moved, seconded by Smith to table this application until further information can be obtained. Voting aye: Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Abstain: Sitorius. Absent: Weaver. Motion carried.

Glenn E. Hurst, MD, TEP- Smith moved, seconded by Dryburgh to approve issuance of a Temporary Educational Permit pending completion of his application. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

Reinstatement

David A. Carr, MD-reinstatement after more than one year since revocation for non-payment of renewal fees. Smith moved, seconded by Dryburgh to reinstate the license for Carr. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried

Todd J. Tessendorf, MD-reinstatement after more than one year since revocation for non-payment of renewal fees. Bragg moved, seconded by Dryburgh to reinstate the license for Tessendorf. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried

Bumgarner brought up a question in regards to retaking Step 2 Clinical Knowledge of the USMLE for applicants who require more than seven years to complete all parts of the licensing examination. If the person successfully passed the ECFMG Clinical Skills Assessment (CSA), will they be required to retake USMLE Step 2, Clinical Skills in addition to Step 2, Clinical Knowledge? The Board stated that if the person needs to retake Step 2 Clinical Knowledge (CK), they will also need to take Step 2 Clinical Skills (CS), even if they previously passed the CSA. They stated that Step 2 CS is just as important as Step 2 CK and therefore current skills need to be assessed.

PHYSICIAN ASSISTANT APPLICATION REVIEW & DISPOSITION

Request to Supervise a Third Physician Assistant

George Pratt, MD-request to supervise a third PA, Brandy Reineke. Dr. Pratt is currently certified to supervise two physician assistants. Smith moved, seconded by Bragg to approve the application because the combined hours of the physician assistants would not exceed 2 FTE's. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver. Motion carried.

The Board reviewed the procedure regarding approval to supervise a third Physician Assistant. Smith moved, seconded by Dryburgh, to have authority for approval of applications to supervise more than two physician assistants be delegated to the Department when the combined working hours of the physician assistants do not exceed eighty hours per week, unless there are concerns regarding the quality or experience of the physician or physician assistants involved. Voting aye: Sitorius, Dryburgh, Bragg, Brown, Kohl, Roberts, Smith. Voting nay: None. Absent: Weaver.

DISCIPLINARY INFORMATION – ACTIONS TAKEN & PENDING

The Board reviewed the actions taken and pending since the last meeting.

2006 LEGISLATION UPDATE

Wisell informed the Board of some updates on legislation that may affect the profession.

LB 833- The Bill regarding consultation by out of state physicians passed on March 13, 2006.

LB 994- This Bill was signed by the Governor on April 6, 2006. It includes provisions for Advanced Practice Registered Nurse and changes the prescribing authority for Schedule II controlled substances.

LB1116- The Bill adding changes to the Cancer Drug repository was approved by the Governor March 13, 2006.

LB1163-This Bill on the statute of limitations for malpractice had an amendment filed to change the number of years from 20 to 15. As of April 7, it was still on general file.

FEDERATION OF STATE MEDICAL BOARDS ISSUES

2006 FSMB Annual Meeting – April 20-22, Boston, Massachusetts

The Board discussed last minute details for the upcoming FSMB meeting in two weeks.

Responding In Times of Need: Katrina and Beyond

This brochure was put together by the Federation of State Medical Boards and contained information on reacting to future disasters.

UNFINISHED BUSINESS

Board of Medicine Newsletter

Kay Kahla and the Scotts met about a week ago to determine the purpose of the newsletter. One major goal was to keep the focus of the newsletter positive. The goal for distribution of the first issue is no later than September. This will be a great time to mention renewals and make it one of the main topics. The group discussed a title for the newsletter, which individuals and groups will be included on the mailing list and possible topics for the newsletter. There were several ideas discussed, which will be kept for future reference.

Paperless Meetings

Wisell informed the Board that the IS & T Department is currently evaluating the vendors presented by Dyrland last April to see if they will be compatible with the system used on the state's computers.

FINANCIAL REPORT

The Board reviewed the status of the budget as of February 28, 2006.

TECHNICAL REVIEW COMMITTEE MIDWIFERY

This Committee will meet in Kearney, NE April 20, 2006.

ADJOURNMENT

There being no further business, the meeting adjourned at 1:22 p.m.

Respectfully submitted,



Carl V. Smith, M.D. Secretary
Board of Medicine and Surgery